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**TRANSMITTAL OF APPEAL BRIEF (Large Entity)**

Docket No.  
826

In Re Application Of: **WEIDNER, W., ET AL**

Serial No.  
09/367,569

Filing Date  
12/21/99

Examiner  
**TORRES, M.**

Group Art Unit  
2683

Invention: **RADIO APPARATUS**

**RECEIVED**

**MAY 0 8 2003**

Technology Center 2600

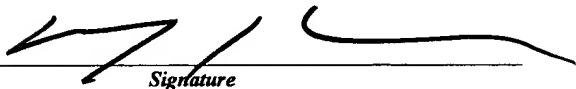


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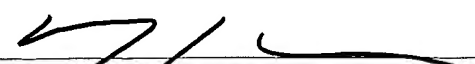
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#25  
Jd  
3/2/04

Examiner: Torres, M.

Art Unit: 2683

In re:

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MAY 08 2003

Applicant: WEIDNER, W., et al

Technology Center 2600

Serial No.: 09/367,569

Filed: December 21, 1999

**BRIEF ON APPEAL**

May 2, 2003

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

This is an Appeal from the final rejection of claims 9-18 by the  
primary Examiner.

05/07/2003 JADB01 00000107 194675 09367569

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#### Real Party of Interest

The real party of interest in this application is Robert Bosch GmbH, having a business address of Postfach 30 02 20, D-70442 Stuttgart, Germany.

#### Related Appeals and Interferences

There are no appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's Decision on the pending appeal.

#### Status of Claims

The present invention contains 9-18.

All claims are rejected by the Examiner.

#### Status of Amendments

After the Final Action issued on January 16, 2003, appellants did not file any Amendments.

#### Summary of the Invention

A radio apparatus shown in Fig. 1 is a radio telephone, which can for instance be embodied as either a mobile phone or a cordless phone. On the upper surface 20 of its housing, the radio apparatus 1 has a control field 25 with an alphanumeric 10- key keypad 30, a star key (\*) 5, and a pound key (#) 40. The control field 25 also includes a first fork contact key 45 for accepting an incoming call or for loop occupation and a second fork contact key 50 for ending a call state or releasing the loop. These functions can also be embodied by a single key. The control field 25 also includes a basic key 55 for activating the display of a basic operating menu on a display device 5 disposed above the control field 25 on the upper surface 20 of the housing. The control field 25 also includes an information key 65, by whose actuation an information text on a currently set menu point is shown on the display device 5. By actuating a backspace key 60, also disposed in the control field 25, the control operation most recently performed can be rescinded. The display device 5 is substantially rectangular, and one of the two long sides is oriented toward the control field 25, while the other long side is oriented toward an antenna 70 on the upper edge of the radio apparatus 1. Between the left short side and the left edge of the upper surface 20 of the housing, a first control element 11, a second control element 12, and a third control element 13 are disposed along this short side on this surface 20 of the housing. Between the right-handed short side of

the display device 5 and the right edge of the surface 20 of the housing, a fourth control element 14, fifth control element 15 and sixth control element 16 are disposed along this short side. The six control elements 11, ..., 16 are dimensioned in size such that they are disposed both in the immediate vicinity of the display device 5 and in the immediate vicinity of the peripheral region of the surface 20 of the housing of the radio apparatus 1. In this way, the control elements 11, ..., 16 can be associated directly and locally with the functions of the radio apparatus 1 that can be displayed on the display device 5 and at the same time allow one-hand operation by the user with the fingers of the hand that is also holding the radio apparatus 1. By control elements 11, ..., 16, the locally directly associated functions, which are displayed on the display device 5, can be selected and/or activated. Because of their disposition on the two short sides of the display device 5, the control elements 11, ..., 16 are located away from the control field 25. In Fig. 10, the basic menu for user guidance is shown on the display device 5. In the exemplary embodiment described here, the basic menu includes a telephone book function, a calculator function, an appointment function, and a text editor function, all as menu subitems. The first control element 11 is associated locally with displaying the telephone book function, the second control element 12 is associated locally with displaying the calculator function, the third control element 13 is disposed locally with displaying the

appointment function, and the fifth control element 15 is associated locally with displaying the text editor function. The local association is reinforced by arrow-shaped graphic symbols, which can be displayed between the various control elements 11, 12, 13, 15 and the display of the associated functions of the radio apparatus 1 on the display device 5. No functions are assigned to the fourth control element 14 and the sixth control element 16 here. If there are more than six selectable menu subitems, then individuals control elements can also be used to switch over to functions of the basic menu that were previously not visible. The display device 5 also includes a first symbol 75 for representing the reception quality by means of the number of lengthwise bars, located away from a stylized radio tower and indicating the broadcasting of a transmission signal, and a second symbol 80 for representing the charge state of the battery of the radio apparatus 1. By entering a telephone number using the alphanumeric 10-key keypad 30, the basic menu, or the current display on the display device 5, is replaced by the display of the telephone number entered, as shown in Fig. 2; the entered telephone number forms a main menu item, for which two menu subitems are also shown on the display device 5. That is, the function of entering the dialed telephone number into redial is assigned as a menu subitem to the second control element 12, and the function of storing the entered telephone number in a telephone number memory of the radio apparatus 1 is assigned

as a menu subitem to the third control element 13. By actuation of the second control element 12, the corresponding function is activated, and a redial with the entered telephone number is performed. When the third control element 13 is actuated, once again the corresponding functions is activated, and the entered telephone number is stored in the telephone number memory.

When the party called via the radio apparatus 1 accepts the call, or if an incoming call is accepted by actuation of the first fork contact key 25, whatever is currently displayed on the display device 5 disappears, and a screening defining the call status is shown on the display device 5, as shown in Fig. 3. The main menu item here is the word "call", and the length of the call is inserted. The number called and optionally the name of the person called from the radio apparatus 1 or calling in are also shown. The fifth control element 15 is assigned a recording function, so that by actuation of the fifth control element 15, a recording of the current call is made. Taking the exemplary embodiment of Fig. 3 as the point of departure, in Fig. 4 a name can be associated with the called number, shown on the display device 5, of the person called in the radio apparatus 1; this name is also shown on the display device 5. If during the call the radio apparatus 1 receives a call from a third person, this can once again be shown on the

display device 5, thanks to digital switching technology. The third control element 13 is then assigned a function, as a menu subitem, by which upon actuation of the third control element 13, while maintaining the original connection, the call coming in in the meantime can also be accepted. In this way, two speech connections can be set up simultaneously. After the second call is accepted by actuating the third control element 13, an expansion of the screen, beginning with the screen shown in Fig. 4, is made in accordance with Fig. 5. The main menu item then is the call currently being conducted, whose length and calling number of the associated person being called are also inserted. In Fig. 5a), this is the second call that has been accepted during the original call. The second control element 12 is assigned the function of taking over the first call, which is done upon actuation of the second control element 12. The third control element 13 in this case has no function and instead is merely assigned the information that the second call is currently being conducted. For the sixth control element 16, the assigned function is a conference call, so that when the sixth control element 16 is actuated a conference call among all three persons is established. The recording function assigned to the fifth control element 15 is still operative, as in Figs. 4 and 3.



In Fig. 5b), the screen on the display device 5 is shown that results after the switchover from the second call to the original call by actuation of the second control element 12. As the main menu item then, the first call is made the current call, and its length and the telephone number of the associated party in the call are inserted. The function of the third control element 13 is now to take over the second call, which is done upon actuation of the third control element 13. The second control element 12 is now assigned only the information that the original call is being conducted, so that upon actuation of the second control element 12, no function is activated. The recording and conference call functions are realized in Fig. 5b) the same way as in Fig. 5a).

If when the basic menu in Fig. 10 is displayed the first control element 11 is actuated, then the telephone book function is selected as a menu subitem, and it is then shown on the display device 5 as the new main menu item as in Fig. 6. As the menu subitem for the telephone book function, an entry in the telephone number memory is shown on the display device 5. This entry, in the exemplary embodiment of Fig. 6, includes the first and last of a telephone subscriber. The fourth control element 14, by means of an upward-pointing arrow on the display device 5, is assigned the function of selecting the next party in the telephone number memory in the

direction of the beginning of the alphabet and having it displayed on the display device 5. The sixth control element 16, by means of a downward-pointing arrow on the display device 5, is assigned the function of selecting the next party in the telephone number memory in the direction toward the end of the alphabet and making it to be displayed on the display device 5. Via the first control element 11, the telephone number of the telephone number of the telephone subscriber currently shown on the display device 5 is selected from the telephone number memory. This telephone number is visibly assigned to the first control element 11. Via the third control element 13, additional information on the telephone subscriber, currently shown on the display device 5, can be selected from the telephone number memory, which can include for instance the address of this party.

If when the basic menu is shown on the display device 5 as in Fig. 10 the second control element 12 is actuated, then the menu subitem "calculator" is selected, and a switchover to a new screen shown in Fig. 7 is made, where the calculator function is displayed as the new main menu item. Then the first control element 11 is assigned an addition function, the second control element 12 is assigned a subtraction function, the third control element 13 is assigned a multiplication function, the fourth control element 14 is assigned a division function, the fifth control element 15 is assigned a

percent function, and the sixth control element 16 is assigned a result function. The input of digits is done via the alphanumeric 10-key keypad 30. A calculation process currently being performed is also displayed on the display device 5.

If, from the basic menu shown on the display device 5 in Fig. 10, the appointments function is selected as a menu subitem by actuation of the third control element 13, then the appointments function appears as a new main menu item of a new screen on the display device 5 in Fig. 8. Also shown on the new screen of the display device 5 is an entry from an appointments memory of the radio apparatus 1, in the form of an abbreviation or code for of the corresponding appointment. A name is assigned to the appointment. Via the fourth control element 14, with which an upward-pointing arrow in the display device 5 is associated, the next earlier appointment can be selected from the appointments memory and made to be displayed on the display device 5. Via the sixth control element 16, with which a downward-pointing arrow on the display device 5 is associated, the next later entry in the appointments memory can be selected and displayed on the display device 5. Analogously to the telephone book function, naturally some other order than alphabetic order is also conceivable, for instance with the number of letters or the like. The date and

time of the appointment currently shown on the display device is assigned is assigned to the first control element 11. When the first control element is actuated, this appointment is selected as a menu subitem and shown as a new main menu item in a new screen on the display device 5, which makes it possible to change this appointment. Upon actuation of the third control element 13, the function "new appointment" is selected, and once again, by means of a new screen, it appears as a new main menu item, and the new screen on the display device 5 then makes it possible to enter a new appointment, for instance beginning at a zero position.

The entry of a name in the selected telephone book function of Fig. 6 or the selected appointment function of Fig. 8 is done by means of the alphanumeric 10-key keypad 30; A single display of this entry is made on the display device 5. The current entry is always made at a position on this displayed line that is represented by a blinking cursor 85. The position of the cursor 85 can be shifted to the left or right in this line by means of the second control element 12 and the fifth control element 15, respectively, as is graphically illustrated by the arrow directions on the display device 5 associated with these control elements 12, 15.

The same is also true for entering text on a text editor screen of the display device 5, after the appropriate menu subitem has been selected from the basic menu of Fig. 10 using the fifth control element 15. The text editor screen on the display device 5 is shown in Fig. 9. In the text editor function of Fig. 9, further text can be selected from a text memory of the radio apparatus 1 and made to be shown on the display device 5 by actuation of the fourth control element 14 or sixth control element 16. An upward-pointing arrow on the display device 5 is then assigned to the fourth control element 14, and a downward-pointing arrow on the display device 5 is associated with the sixth control element 16. Upon actuation of the fourth control element 14, the text memory is run through a first direction, for instance toward the beginning of the alphabet, to select a stored text. Upon actuation of the sixth control element 16, the text memory is run through a second direction opposite the first, toward the end of the alphabet, to select a stored text. Upon actuation of the first control element, a send function is called up, and then a new screen is shown on the display device 5 for entering the desired person to be called or his telephone number.

This is essentially disclosed on pages 3-10 of the original specification and shown in the drawings.

### Issues

In the Final Office Action, the Examiner rejected claims 9, 12, 14-18 under 5 U.S.C. 103(a) as being unpatentable over Tsoi in view of Owaki. Therefore the first issue under appeal is whether these claims are patentable or unpatentable in the sense of 35 U.S.C. 103(a) over the above identified references. Claims 10-11 and 13 were rejected by the Examiner under 35 U.S.C. 103(a) over the patent to Tsoi in view of the patents to Owaki and Mills.

Thus, the second issue under appeal is whether claims 10-11 and 13 are patentable or unpatentable in the sense of 35 U.S.C. 103(a) over the above mentioned three references.

Finally, claim 13 was rejected by the Examiner under 35 U.S.C. 103(a) over the patent to Tsoi in view of the patent to Bowen. The third issue under appeal is whether claim 13 is rejectable under 35 U.S.C. 103(a) over these two references.

### Grouping of Claims

Claim 9 is the only independent claim on file and in applicant's opinion it patentably distinguishes the present invention from the prior art and is separately patentable.

The other claims depend on claim 9, and they stand and fall together with claim 9.

#### Argument

Before the analysis of the prior art, it is believed to be advisable to clearly explain the new features of the present invention.

Claim 9, the broadest claim on file, defines a radio apparatus embodied in a radio telephone,

comprising a display device;

at least one control element for selecting and/or activating functions of the radio apparatus which are displayed on said display device;

said at least one control element being disposed neighboring said display device so that a local association exists between said at least one control element and displaying of functions of the radio apparatus on said display device;

said display device displaying a function of the radial apparatus  
in local association with said at least one control element,

said function being activatable by said control element;

and said display device displaying an information with regard  
to the activating function in vocal association with said at least one control

element when said function is activated. *Not in spec should be "local"*

It is respectfully submitted that in accordance with the present invention, in local association with the control element an information about the function is displayed when the function is activated by pushing the control element. The advantage of this feature is that it is clear to the user to which function the information belongs. If the function is active the information is displayed if not the function itself is described in the display.

Turning now to the Examiner's rejection and in particular to the patent to Tsoi, it can be seen that this reference does not teach the new features of the present invention as defined in claim 9. This is also confirmed by the Examiner in the statement that Tsoi does not specifically disclose a display device displaying information with regard to the activating function in local association with at least one control element when the function is activated. According to the patent to Tsoi, in a local association



with a control element two different functions are displayed, in particular the function "CALL" and the function "HANG UP".

Thus, it is believed to be clear that this reference taken singly neither anticipates nor makes obvious the present invention, as defined in claim 9.

The patent to Owaki discloses a radio apparatus having a display shown in Figures 12 and 13 with names of different pages of a main menu to be displayed as explained in column 4, lines 26-29. By operating a key, which seems not to be in local association to the displayed information, the names of the pages of a first submenu are displayed. At the end, the content of the page chosen is displayed for example as shown in Figure 12d, today's weather. The patent to Owaki therefore only discloses how to arrange several information pages in the form of a main menu and several submenus. The patent to Owaki does not teach to display in local association with a control element, a function and after activating the function display an information about the function.

Thus, it is believed to be clear that this reference also does not teach the new features of the present invention as defined in claim 9.

It is respectfully submitted that for a person skilled in the art there is no motivation whatsoever to amend the subject matter of the patent to Tsoi by the feature of the patent to Owaki, because the patent to Owaki does not disclose a local association between the displayed information and the control element. A person skilled in the art, having in mind the Owaki patent, would not replace the second function displayed by the patent to Tsoi in the case of activation of the first function by an information about the first function, but it would add to Tsoi a menu structure as described by the patent to Owaki.

It is therefore believed to be clear that a combination of the references would lead only to such a construction which would not be similar to the applicant's invention and therefore the present invention as defined in claim 9 should be considered as patentably distinguishing over the art and should be allowed.

As for the patents to Mils and Bowen applied against some dependent claims, these patents also do not teach the new features of the present invention as defined in claim 9.

In view of the above presented remarks, it is believed that claim 9, the broadest claim on file, should be considered as patentably distinguishing over the art and should be allowed.

Thus, it is believed that this is how the first issue under appeal has to be resolved. Claim 9 should be considered as patentably distinguishing over the art, and therefore the Examiner's rejection of this claim over the combination of the above discussed references should be considered as not tenable and should be withdrawn.

As for the second and third issues under appeal, in particular the rejection of the dependent claims, the dependent claims stand and fall together with claim 9.

The references applied against the dependent claims have also been carefully considered by the applicants. These references do not teach the new features of the present invention which are now defined in claim 9. Therefore, their detailed analysis should be considered as not necessary.

lit is respectfully requested to reverse the Examiner's rejection  
of the claims and to allow the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

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## APPENDIX

9. A radio apparatus embodied in a radio telephone, comprising a display device; at least one control element for selecting and/or activating functions of the radio apparatus which are displayed on said display device; said at least one control element being disposed neighboring said display device so that a local association exists between said at least one control element and displaying of functions of the radio apparatus on said display device;; said display device displaying a function of the radial apparatus in local association with said at least one control element, said function being activatable by said control element; and said display device displaying an information with regard to the activating function in vocal association with said at least one control element when said function is activated.

10. A radio apparatus as defined in claim 9, wherein between said at least one control element and the displaying of the associated functions of the radio apparatus on said display device, graphic symbols are displayable on said display device.

11. A radio apparatus as defined in claim 10, wherein said graphic symbol displayable on said display device are shaped as arrows.

12. A radio apparatus as defined in claim 9; and further comprising a housing provided for the radio apparatus and having an upper surface, said display device being rectangular and disposed on said upper surface of said housing, said at least one control element being disposed on at least one side of said display device.

13. A radio apparatus as defined in claim 9, wherein said at least one control element is lightable.

14. A radio apparatus as defined in claim 9, wherein said at least one control element is formed so that through said at least one control element subitems in an opening manual can be selected and/or activated.

15. A radio apparatus as defined in claim 9, wherein said at least one control element is formed so that through said at least one control element entries in a telephone number member disposes a radio apparatus are selectable and/or activatable.

16. A radio apparatus as defined in claim 9; and further comprising a control field in which said at least one control element is located.

17. A radio apparatus as defined in claim 16, wherein said control is formed as an alpha numeric keypad.

18. A radio apparatus as defined in claim 9; and further comprising a housing provided for the radio apparatus and having an upper surface, said at least one control element being disposed neighboring the peripheral region of said upper surface of said housing.